

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

OMAR CABRERA,

Plaintiff,

vs.

CALIFORNIA CORRECTIONAL
HEALTH CARE SERVICES, et al.,

Defendants.

1:22-cv-00025-JLT-GSA (PC)

**ORDER GRANTING REQUEST FOR
SCREENING ORDER**

**ORDER GRANTING EXTENSION OF
TIME TO FILE RESPONSE TO
COMPLAINT**

(ECF No. 1.)

Omar Cabrera (“Plaintiff”) is a prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. This action was initiated by civil complaint filed by Plaintiff in the Fresno County Superior Court on October 25, 2021 (Case #21CECG03204). On January 5, 2022, defendant California Correctional Health Care Services (CCHS) removed the case to federal court by filing a Notice of Removal of Action pursuant to 28 U.S.C. § 1441(a) and 1446. (ECF No. 1.) In the Notice of Removal, Defendant requested the court to screen Plaintiff’s complaint under 28 U.S.C. § 1915A and grant Defendant an extension of time in which to file a responsive pleading. (*Id.* at 3 ¶ 6.)

The court is required to screen complaints in civil actions in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity. 28 U.S.C.

§ 1915A(a). Plaintiff's complaint alleges that Defendants, CCHCS, employees of CCHCS, and employees of Pleasant Valley State Prison failed to provide him with adequate medical care. Because Plaintiff is a prisoner and some of the Defendants were employees of the CDCR at a state prison when the alleged events occurred, the court is required to screen the complaint. Therefore, Defendant's request for the Court to screen the complaint shall be granted. In addition, good cause appearing, the request for extension of time shall also be granted.

Based on the foregoing, IT IS HEREBY ORDERED that:

1. Defendant's request for the court to screen the complaint under 28 U.S.C. § 1915A(a) is GRANTED, and the court shall issue a screening order in due course; and
2. Defendants are GRANTED an extension of time until thirty days from the date of service of the court's screening order in which to file a response to the complaint.

IT IS SO ORDERED.

Dated: September 15, 2022

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE